IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE V.V. S. RAO

Writ Petition No. 21980 of 2005

Dated: 7th October 2005

Between:

T. Janakamma @ Appallamma

… Petitioner

And

The Executive Officer (Secretary),

Sompeta Gram Panchayat,

Sompeta Mandal, Srikakulam District.

… Respondent

Oral Order:

The petitioner is a resident of Sompeta. She purchased an extent of Ac.0.05 in S.No.42/2P of Rekula Colony, Cheekati Sompeta, Sompeta Gram Panchayat, Srikakulam under a registered sale-deed dated 14-7-1982. With a view to construct a pucca building, she made an application to the respondent —Gram Panchayat under Sections 120 and 121 of the A.P. Panchayat Raj Act,

1994 (for short 'the Act') for building permission. The respondent did not pass any orders either granting permission or rejecting the permission, therefore, the petitioner is before this Court seeking a direction and declaration.

This Court has heard the learned counsel for the petitioner, Sri T. Tejeswara Rao, who has relied on Sections 120, 121 and 127 (3) and (11) of the Act in support of the contention that when no order is passed within 30 days, the permission is deemed to have been granted. He approached this Court to give a declaration to that effect. **Per contra**, the learned standing counsel for Panchayat Raj, Sri M. Prabhakar Rao submits that some time may be granted to the Panhayat to look into the complaint and pass appropriate orders. He also pointed out that the land in S.No.42/2P is an agricultural land in which event no building permission can be granted.

Under Section 121 of the Act no person can make any construction unless he or she obtains permission of Gram Panchayat. Chapter VI of the Act contains general and miscellaneous provisions in relation to Gram Pancyayats. Section 127 (3) requires the competent authority to pass an order refusing, suspending or canceling a licence or permission and communicate the grounds in writing to the person concerned. Under sub-section (11) of Section 127, if orders are not passed in application for permission and not communicated within 30 days, the application shall be deemed to have been allowed subject to the rules, byelaws, regulations and other conditions. Therefore, the respondent is bound to pass an order within 30 days and, as alleged, no such orders are passed as yet.

In view of the above, the writ petition is disposed of directing the respondent to pass appropriate orders on the application made by the petitioner on 15-6-2005 within a period of one week from the date of receipt of this order.

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(V.V.S. Rao, J)

7th October 2005

Note:

Issue c.c. today.

(By order)

svs